

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4024 of 2024

Arising Out of PS. Case No.-265 Year-2022 Thana- PHULPARAS District- Madhubani

Rohit Kamat Son of Vijay Kamat Village- Mehna, P.S.- Phulparas, District-
Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Surendra Ram Son of J.C. Ram R/O Vill.- Mehna, P.S.- Phulparas, Dist.-
Madhubani

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Vasant Vikas, Advocate Ms. Kumari Nitu, Advocate
For the State	:	Mr. Usha Kumari 1, SPP
For the Informant	:	Mr. Ramechandra Jha Raman, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 29-11-2024 Heard learned counsel for the Appellant, learned
Special Public Prosecutor for the State and learned Counsel for
the Respondent no.2/Informant.

2. The present appeal has been preferred against the
impugned order dated 24.07.2024 passed in G. R. No. 68 of
2022 arising out of Phulparas P.S. Case No. 265 of 2022 by Ld.
Additional Sessions Judge-Ist-cum-Special Judge, Madhubani
whereby Ld. Trial Court has dismissed the application of the
appellant for regular bail.

3. As per allegation as emerging from the *fardebyan*
of the informant is that the Appellant alongwith other accused
persons abused the informant and his family members by taking



their caste name and assaulted them. It is further alleged that the petitioner caused grievous injury to Ruchi Kumari by *Tangari* resulting into her death.

4. Learned counsel for the Appellant submits that the Appellant is innocent and has falsely been implicated in this case. He further submits that there was no intention on the part of the appellant to cause death of the victim. Even as per the FIR, the assault was made to mother of the deceased and accidentally *Tangari* hit the child. He also submits that the *Tangari* was not being carried by the appellant from his house, in fact, he got the *Tangari* from the place of occurrence itself, which also shows that appellant had no intention to commit the offence. He also submits that there is a land dispute between the parties and two criminal cases have been lodged by the wife of the informant against the appellant and his family members. The appellant is 25 years young boy.

5. However, the learned APP for the State as well as learned counsel for the Informant vehemently oppose the prayer of the appellant for bail submitting that it is the appellant who had caused death of the 10 years old victim causing grievous injury by *Tangari* and he has also abused the informant and his family members by using the caste name "*Chamar*". As such,



the allegation against the appellant is serious in nature and hence, there is no illegality and infirmity in the impugned order whereby the appellant has been denied bail.

6. Considering the fact that it is the appellant who has caused the death of 10 years old innocent child by means of *Tangari*, I am not persuaded to enlarge the appellant on bail.

7. Accordingly, the present appeal stands dismissed.

(Jitendra Kumar, J.)

ramesh/S. Ali/-

U		T	
---	--	---	--

